

Draft Budget Priorities Advice

(For discussion purposes only - does not have committee consensus)

Background

U.S. Department of Energy (DOE)- Richland Field Office's (RL) and Office of River Protection's (ORP) total estimated costs for funding the work necessary to meet current compliance requirements of the Tri-Party Agreement and DOE-ORP's own proposals to complete work under its proposal to modify the High-Level Waste related consent decree is an astounding \$1.562 billion more than the funding requested from Congress by DOE in Fiscal Year (FY) 2015.

It is disconcerting that DOE- ORP's proposed funding request does not include any funding to proceed with emptying the leaking High-Level Nuclear Waste tanks in 2015 or 2016, despite acknowledging that Double Shell Tank AY-102 and Single Shell Tank T-111 are both leaking. Washington State has issued a legally valid order – reflecting state and federal hazardous waste laws – for DOE to start emptying AY-102. The standard in federal and state hazardous waste laws is that the operator (DOE) is required to remove all wastes from a leaking hazardous waste tank “as soon as practicable.” To have a compliant budget request, DOE-ORP must identify and request the funding needed to start emptying both leaking tanks in FY 2015 and 2016.

DOE-ORP's identification of funding needed for FY 2016 is based in part on DOE-ORP's proposal to amend the High-Level Waste consent decree entered by the US District Court for Eastern Washington.

DOE-ORP's proposals; however, do include any effort to build new Double Shell Tanks (DSTs) (while the Washington State's proposes that four new tanks need to be built by 2019), call for DOE-ORP to proceed far slower than Washington State believes is possible and necessary for direct feed Low Activity Waste Vitrification (LAW) from High-Level Waste tanks to the LAW portion of the vitrification plant, does not empty Tank AY-102, and has far fewer measurable milestones than the State's proposal.

Thus, identifying only the funding needed for DOE-ORP's proposal to amend the consent decree is not a compliant funding request.

The same is true for DOE-RL in regard to wastes stored at Central Waste Complex (CWC). The Environmental Protection Agency (EPA) and Washington State Department of Ecology (Ecology) have issued notices of violation for the storage of wastes and the outdoor storage areas. It is vital to move ahead in FY 2015 and 2016, at least with commercially available treatment for stored wastes at the pace commercial facilities can accommodate the wastes.

For many years, the Board and public have urged DOE-ORP and DOE-RL to provide the Board, regulators and the public with “Integrated Priority Lists” based on reasonable activity building blocks for the public to review and comment on what the DOE Field Offices are proposing to fund and accomplish in the next

two years. Unfortunately, while funding was broken out in “analytical building blocks” for the field offices’ FY 2016 proposals, there is no way for the public to ascertain what activities would be funded within any specific funding level proposed by DOE or appropriated by Congress. This prevents the public from effectively commenting on priorities and needed funding levels given the reality that the total estimated costs of compliance is \$855 million more for RL than the FY 2015 request to Congress, and \$697 million less than the 2015 request for DOE-ORP.

Advice

1. **Proceed to empty leaking High-Level Nuclear Waste tanks in FY 2015 (DOE-ORP).**
 - Washington State has issued an enforceable order for DOE to begin emptying the leaking Double Shell Tank (AY-102) in September. Federal and state hazardous waste laws require leaking tanks to be emptied “as soon as practicable.” However, DOE has indicated it is not asking for funding to carry this out for FY2015 or FY2016. Additionally, Tank T-111, an older Single Shell Tank (SST) is leaking. \$8 million added to DOE-ORP should be directed to be utilized to empty both tanks beginning in FY 2015.
2. **DOE-ORP should begin design and procurement to build new DSTs for operation in 2019, as Washington State has formally requested.**
 - FY 2015 funding should be used to begin design and start of the capital project to bring four new DSTs on line in 2019. These are needed for capacity to empty leaking tanks; and, in order to have storage to continue pumping out old Single Shell Tanks, and provide tank waste feed to the portion of the vitrification plant which may be operational in 2022. DOE has indicated it is not asking for funds to build new DSTs to be operational before 2022. Oregon State supports Washington’s position.
3. **Direct DOE-ORP to test commercially available and already permitted treatment of the lowest radioactive waste tanks (including the leaking T-Farm tanks) at Perma-Fix Northwest in 2015.**
 - For three years, DOE has resisted doing a “treatability test” for less than \$2 million to see if the permitted commercial mixed radioactive-hazardous waste treatment plant operated adjacent to Hanford by Perma-Fix NW can dry waste from 10 to 12 of the lowest radiation level Single Shell High-Level Waste Tanks to be safely stored in permitted storage until vitrified. Washington State Department of Ecology (Ecology) supports this test. The test would allow these tanks, including at least one leaking tank, to be emptied without using any additional DST space for storage.
4. **Restore \$90 million to DOE-RL with direction that \$20 million be used to remove and treat thousands of illegally stored containers of hazardous and radioactive wastes at Hanford’s CWC.**
 - The Board has repeatedly issued advice for DOE-RL to restore funding to remove and treat mixed wastes stored at CWC. Barrels have been leaking. Many containers have been stored for decades despite the availability of treatment and the mandate of federal law barring storage for over a year if treatment is available. The Environmental Protection Agency (EPA) and Ecology have recently issued notices of violation and orders for removal of wastes.

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- DOE-RL should begin design and procurement to remove extremely radioactive cesium and strontium capsules stored in a highly vulnerable pool (“WESF”) and put the wastes into dry cask storage. The pool is extremely vulnerable in the event of an earthquake. Radiation releases would be catastrophic, including so high that entry into the facility to restore water would be fatal. The Inspector General recently issued a report urging removal.
- Restore funds for installation of strontium barrier along Columbia River and other groundwater protection activities.

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